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H – 972

International Court of Justice

H0972 - 0002

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

22 June 1946

COMMISSIONER:

Colonel A. M. S. Neave

O.K.W.
~~GENERAL STAFF~~

(THE COMMISSION CONVENED AT 1000 HOURS.)

CROSS-EXAMINATION (Continued)

Feldmarschall
GENERAL RITTER VON LEEB, a witness, took the stand and testified as follows:

COMMISSIONER: Does the witness realize he is still under oath.

THE WITNESS: Yes.

BY DR. KEMPNER:

Q What position did you hold in May 1941?

A Commander-in-Chief of Army Group North.

Q In Russia?

A No, I was not as yet in Russia at that time.

Q But the Russian affair was begun at that time and later you left?

A Yes.

Q You prepared yourself for Russian matters?

A Yes.

Q Do you know this order of the 13th and 14th of May 1941? This is the so-called Fuehrer Order, signed by Keitel. (I shall give the Document number

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later.) Do you remember that in this Decree, extremely sharp, severe measures were ordered?

A I do not know the contents of this order.

Q In this order it says, for example, and I quote paragraphs 3 and 4, that severe measures are to be taken against civilian population in order to suppress everything that might by any chance become dangerous.

A Is that the order in which mention is made that violations of our soldiers against the Russian population are not to be punished except in very severe cases?

Q That is correct.

A I spoke of this order yesterday.

Q Don't you think that this was something quite unusual?

A Extraordinarily unusual.

Q And why do you say extraordinarily?

A Because it was entirely opposed to our principles concerning rules of warfare.

Q How were you able to bring this order into accord with your general conception of military conduct?

A Not at all.

Q Why did you not hand in your resignation at that time. Why did you wait until 1942?

A I expressed my utmost surprise concerning these orders of Hitler to the commander-in-chief at that time and I was given assurances that no such order would be issued. But then these orders really were issued. But at about the same time the order of the Commander-in-Chief of the Army was also issued, of which I spoke yesterday, and in my opinion, this later order cancelled

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the order that had been issued by Keitel. I should like to give an example, if I may, concerning the handling of jurisdiction in connection with this order. Although we were ordered that we were not allowed to take any steps against soldiers who committed offences against the civilian population, I know personally that careless injuries of persons, accidents of motor cars where members of the civilian population were injured, were proceeded against us by taking steps according to martial law. That was the attitude that we held.

COLONEL NEAVE: Have you the number of that document, Dr. Kempner?

DR. KEMPNER: No, I haven't. We have just sent for it.

COLONEL NEAVE: We will want to have that in the record.

Q Now the following. I should like to discuss this matter quite frankly with you. You are a historian, aren't you, and would probably like to clarify all these matters here 100 percent?

A Yes/

Q I now have two possibilities upon me. I have a pile of similar orders here, one always worse than the one before. We could go through all of them -- Leningrad is to be erased from the surface--and your Army Group knew by means of these orders that the Jews were being exterminated there. Would you like to make a statement concerning this whole group of orders, as to how these things came about and also mention at the same time the attitude of the higher leaders?

A They came about by reason of National Socialism and the attitude of the higher leaders was absolutely one of opposition.

COLONEL NEAVE: Hadn't he better answer questions?

Q Let's base our questions on the following. Do you know that a number of criminal orders were issued?

H0972-0005

A The two orders of which I spoke yesterday are known to me.

Q Do you know of any others?

A I have learned of them now, by means of the documents and files of this court. For example, the so-called Commando Decree, I just learned of it now.

Q Did you know at that time that the aim was there, by means of various disguises, to exterminate the Jews?

A Not in the least.

Q When did you first learn that Jewish persecution was begun in Germany?

A I believe in 1938, maybe 1939 -- 1938.

Q Did you, yourself, have any Jewish acquaintances in Bavaria or Munich?

A No, I didn't.

Q Did you hear from your acquaintances that these people disappeared?

A I said yesterday that I lived in absolute seclusion in a suburb outside of Munich.

Q Then there are only two of these orders that you know in detail, that is, as far as their criminal character is concerned?

A Yes.

Q But according to our files many more such orders were issued to your Army Group. Did you yourself never read them?

A Which orders do you mean?

Q I shall refer to them later. Do you assume full responsibility for everything that happened within your Army Group while you were its commander?

A That is impossible for me to do so.

Q You assume responsibility only for that which you knew?

A Yes.

H0972-0006

Q And you didn't know that extermination of civilian population, etc. took place?

A I did not know that there was any intention to do so. I learned, as was shown by yesterday's affidavit, that measures were taken against the Jews in Latvia and I forbade them.

Q Did you really believe that this action had been carried out by the Lithuanians and not by the SS and similar elements -- that they were behind these actions?

A I have to say here, according to my best conscience and knowledge, that I did not at that time know of the existence of the Einsatzgruppe A, the SD, and [redacted] the other elements that were behind the front.

Q Did you never know that the army had been disseminated with all these people and that they were everywhere?

A It is perhaps possible that in the course of the weeks and months mention was made of this.

Q Who told you of this.

A It is impossible for me to remember. I did not say that I did know, I only mentioned the possibility.

Q Didn't you see all kinds of people, wearing all kinds of uniforms, not normal army uniforms?

A No. And I should like to add the following to my no. I read this report of Einsatzgruppe A that is present here in the files and the fuehrer of the Einsatzgruppe writes in this that he was remaining in Lithuania and Latvia while we advanced and that he did not like to be 700 kilometers behind the front with his group. My direction was only towards the front and I don't believe that I ever met any such man. This Fuehrer further writes that he

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later advanced a small part of his Einsatzgruppe and this small part of the Einsatzgruppe consisted of an Action Group of 500 men and another small part of perhaps 200. He distributed these 200 men to the 16th and 18th Armies and to the 4th Armored Group. Therefore it is evident that I did not meet such a man.

Q Did you know that members of your staff had breakfast with this gentleman and met him frequently?

A I learned this from the file.

Q You yourself never had any connection with all these people - the SS, the SD, and so on?

A I don't remember in any way.

Q But it is maintained that cooperation between your Army Group with these people and within your Army Group went on without friction.

A That is mentioned in the report of Einsatzgruppe A if I am not mistaken. As far as I can judge that refers to the combatting of partisan bandits.

Q Is that your only explanation?

A I believe it is sufficient.

Q We shall now turn to another point. I refer to Document C-124. You state that you bombarded only military objectives in Leningrad. Is that correct?

A Yes.

Q What was to be done with Leningrad? Do you know anything about this?

A I believe the impression was that when I approached Leningrad that we would not have to expect any special resistance on the part of the Russians. I was immediately before Leningrad and I advanced within a few kilometers of it when the order came that I was not to take Leningrad. I had this order confirmed. It was repeated. I do not know the true reasons.

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Q Didn't you know, from the so-called Fuehrer Order, that Leningrad was to disappear from the face of the earth?

A At the end of November 1941 I received a letter from the Naval Operations Staff. In this letter it said that the Fuehrer intended to have Leningrad disappear from the earth. I put this letter on file. I was never given an order.

Q Is that the same order from which I am now going to quote to you? (Document C-124). This too was sent by the Navy. "The Fuehrer has ordered that St. Petersburg, Leningrad, is to be wiped off the face of the earth." Is that the same?

(Document handed to witness.)

(Witness indicates he cannot read the document since it is an English translation.)

Q I will repeat the question -- is this the same document that you remember? It was issued by the Navy and says: "The Fuehrer has ordered that St. Petersburg, Leningrad, is to be wiped off the face of the earth." Is that the same order that you remember?

A Was this received by Army Group North?

Q Yes.

A I remember it as a letter by the Naval War Staff to Army Group North. The Naval War Staff wanted to have the Fuehrer clarify a point and Hitler's answer was that Leningrad was to be wiped off the face of the earth or some such statement.

Q I just wanted to know whether they were identical.

A In order to avoid any misunderstanding I should like to add that as far as I remember I never received the order to this letter.

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Q Did you swear your oath to the Fuehrer?

A Yes.

Q Isn't every word of the Fuehrer an order for you? Is he not your highest War Lord?

A There were limits.

Q And where do these limits lie?

A If anything is against my own human conscience.

Q Would it be correct for me to say that a higher leader does not have to obey his superior if criminal matters are involved?

A Yes, he does not have to obey.

Q You agree with me?

A Yes.

Q Wasn't the reason for your final retirement these criminal activities?

A They probably played a role in this.

Q Was not that the main reason? Didn't these affairs add up all the time? Be quite frank. Is that true?

(Witness nods his head.)

A It was impossible for me to have any success with the Fuehrer concerning the opinions that I held and that is when I drew the conclusion to withdraw.

Q Did you speak about this with comrades and higher leaders, that is, concerning your attitude?

A I spoke with my chief.

Q And who was your chief?

A General of the Infantry, Brennecke.

Q And was Brennecke of your opinion that higher officers could not have a hand in such criminal matters?

H0972-0010

A As far as I remember, my chief was of my opinion.

Q Did you believe that you would encounter difficulties if you retired?

A No.

Q And for your own person did not fear any such difficulties?

A No. I had decided to retire in any case.

Q You were one of the few men who had courage, even in the face of your "king" - your higher superior?

A My conscience forbade me to participate any longer.

Q Was the gentleman you just mentioned the only one with whom you spoke about this conflict of conscience?

A I also spoke about this with the First Officer of the General Staff.

Q And who was he?

A For the moment I have forgotten the name.

Q What other gentlemen held positions similar to yours and retired at that time?

A General von Bock and General von Rundstedt.

Q But later Rundstedt once more re-entered, didn't he?

A Yes.

Q Do you know anything about his conscience at that time?

A No.

Q At any rate you were not able to bring your conscience in accord with what was asked of you for Country and God, is that true?

A That is a very difficult question to answer. I failed not only towards Hitler but also my Fatherland.

COLONEL NEAVE: Dr. Kempner, where is this cross-examination leading? He Suspect It is getting a bit narrow, isn't it, with regard to the personal conscience of this witness?

H0972-0011

DR. KEMPNER: The conscience of this witness is of extreme importance for the conscience of the General Staff.

COLONEL NEAVE: All right.

Q And in 1942 things had taken such a turn it was impossible to participate any longer, is that correct?

A No.

Q For you?

A I did not want to stay in longer but I can understand that other army leaders carried on for who was to give any resistance to Hitler. Perhaps my comrades can reproach me for having left and not continued to fight.

Q I am not interested in what your comrades say. My question to you is that as far as you were concerned, things had taken such a turn that they could no longer be united with your conscience, is that right?

A I was no longer successful as far as I was concerned.

Q Is what I have said correct?

A It was no longer possible for me to make him understand or see my opinions. Therefore I left.

Q Thank you, that is all.

COLONEL NEAVE: Does any other member of the Prosecution wish to cross-examine.

(no response.) Dr. Laternser, you may proceed.

RE-DIRECT EXAMINATION

BY DR. LATERNSER:

Q I should like to begin where Dr. Kempner stopped. What was the immediate cause for your retirement?

H0972 - 0012

A The front south of the Ilmen See jutted out very deeply, like a sack, and the Russians continually brought reinforcements along their two railway lines and kept up a continual attack of the two deep flanks of this sack. It was only a question of being able to withstand a short time and then the whole sack was cut off, with about 10 divisions ~~xxx~~ caught in it. I reported this situation to Hitler by telephone but he did not listen. I then flew to Hitler's headquarters and reported the matter orally and very urgently. I described the position to him and suggested that we evacuate the sack and draw our lines back to form a straight line south of the Ilmen See. If we did so we would have occasion to withstand the attacks of the Russians. This sack that jutted out very deeply had really no operational significance. If I had retreated I would thus have had forces at my disposal to reinforce the weak lines of the flank front and this front would then have been strong enough to withstand any attack. Moreover, I should also have won reserves by this method and at that time I no longer had any reserve divisions. I presented this case to Hitler personally and very urgently. The situation was quite obvious and I asked him to be allowed to retreat and to lay straight line position. Hitler refused. Thereupon I handed in my retirement application.

Q And this was your immediate reason for retiring, wasn't it?

A Yes.

Q You were asked just now concerning Hitler's order to wipe Leningrad off the face of the earth, or to destroy Leningrad, and you testified that you had received a letter from the Naval War Staff concerning this question. What was the nature of this letter. Did you receive this letter by way of information?

H0972-0013

A It was to convey information. The Naval War Staff informed me that they had asked Hitler to clarify his position concerning the destruction of Leningrad. Evidently the Naval War Staff was interested in clarifying this point and the Naval War Staff then wrote me that Hitler had decided to wipe Leningrad off the face of the earth or destroy it, or some such expression was used.

Q Then you mean to say that sending this letter to you by the Naval War Staff did not mean any order given to you, according to which you were to take action?

A No, this letter was not an order. It was only information. This was the first time I learned of any intentions of Hitler in this regard.

Q Did you yourself ever receive an order concerning the destruction of Leningrad by reason of which you yourself were to take steps with your Army Group?

A According to my best knowledge and conscience I did not receive such an order. Even if I had received such an order it would just have meant that Hitler was expressing a Utopian hope for at that time I had just enough munitions and artillery to carry out the most essential missions. I only was supplied with very little munitions. I can give a drastic example of this position of the supplies and reinforcement question. It took me three weeks to bring up one division by means of rail.

Q It has just been suggested to you that by reason of the oath that you pledged to Hitler, every word and every intention expressed by him should have had for you the effect of an order to be carried out. Is it not rather that in military practice all important orders must be issued in writing?

H0972-0014

A That is the custom.

Q I believe that this has clarified that point. Now to turn to the Einsatz Groups. You stated, by reason of the order that you saw just a few days ago, that the strength of the Einsatzgruppe was 500 men.

A The whole strength of this Einsatzgruppe has been proved to be 1000 men and of this the so-called Action Group had a strength of 500 men.

Q You just used the words "has been proved." Do you mean "proved" only in such a case that one assumes the correctness of the execution of this order.

A I mention the figures of 1000 and 500 by reason of this report.

Q Assuming that this Einsatzgruppe had been distributed in your Sector I am interested in the answer to the following question? How broad was the sector of this Army Group?

A I should estimate about 600 kilometers. To illustrate this I may perhaps be allowed to add the following: The front strength of my army group amounted to about 600,000 men and the members of the Einsatzgruppe perhaps to 200 men.

Q It was further suggested to you that members of these Einsatzgruppe must have been noticed by you because they wore different uniforms. Did you have time to concern yourself with such details, with such trifles? In order to understand this question I would like you to depict briefly the average day of the commander of an Army Group.

A An Army Group can be commanded by two different methods: either directed from the conference table by mean of all modern means of intelligence or communication, or by seeing things oneself - by self observation. I preferred the latter method. I went to the front frequently, at first with a

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passenger car. Then later in the Russian territory, when the territory became extensive and the roads bad and unsafe because of partisans, by means of a gyroplane, used as a small transportation airplane that was able to land anywhere, on any meadow, on any pasture; but this gyroplane did not afford any possibility of defense - we carried no arms.

COLONEL NEAVE: Dr. Laternser, can we cut this as short as possible? Is it really a matter rising out of cross-examination?

His day in the life of an Army group commander

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COLONEL NEAVE: Is this really a matter arising out of the cross examination?

DR. LATERNSER: Yes, this question relates to Dr. Kempner's question if other uniforms appeared at this front.

COLONEL NEAVE: Well, may we have the description as briefly as possible.

DR. LATERNSER: Yes, certainly. I ask you to be as brief as possible.

THE WITNESS: Then later I flew about in a bomber, accompanied by two pursuit planes and returned at night. Then the reports were given at night by the first officer of the General Staff, concerning the positions and by the third officer of the General Staff concerning the enemy position. According to these, I had to give my orders and instructions. It was the task of the chief to keep everything unnecessary away from me.

BY DR. LATERNSER:

Q Would it then be right to say that you only received purely military information needed for military decisions that you as Commander in Chief had to make?

A Yes, that is correct. A good Chief of Staff has to keep everything unnecessary away from his Commander.

Q I believe that is sufficient concerning this point.

Dr. Kempner then further submitted the order of the 13th and 14th of May, 1941 to us, which states that German soldiers are not to be prosecuted against by a Court of Marshall law if violations on their part had taken place against the civilian population, unless the disciplince of the troop was

H0972-0017

severely endangered.

DR. KEMPNER: This was UK 64.

COLONEL NEAVE: Doctor Kempner, that is the document to which you referred sometime ago?

DR. KEMPNER: Yes.

COLONEL NEAVE: We will have it incorporated in the record.

BY DR. LATERNSER:

Q Would you like to look at the order once again?

A No.

Q Did this order have any influence on your attitude toward the civilian population under your control?

A In no way.

Q Did you act according to this order?

A I acted according to the order of the Commander in Chief of the Army that treated the highest disciplince and this I considered a matter of fact - of course.

Q At what time were you Commander in Chief and responsible for the western part of Germany?

A From October 1, 1933 to February 28, 1938.

Q When was building started on the west-wall?

A As far back as I can remember in 1935 or 1936. I believe in 1935.

Q Were you informed of the beginning of construction work in your capacity as Commander in Chief west?

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A No, I heard of the beginning of construction work in quite a peculiar fashion. I found a letter on my writing table that had some comments concerning this. I looked at the distribution and saw that it had come from the Defense Commission at Weisbaden.

DR. KEMPNER: I don't believe that I touched on this subject at all during cross examination.

COLONEL NEAVE: Dr. Laternser, during the cross examination this subject was not touched upon.

DR. LATERNSER: The question suffices and it is not necessary for me to hear any more concerning these details.

COLONEL NEAVE: Doctor, please in the future question the witness only on matters arising out of the cross examination and we are short of time. Have you any further questions?

DR. LATERNSER: I am almost finished.

BY DR. LATERNSER:

Q You were then asked concerning the conference of June 14, 1941. That is the conference that took place between Hitler and the Commander in Chief before the Russian campaign. I did not quite understand what was meant. I am interested in knowing in what sequence the reports of the Commanders in Chief of the army groups were made to Hitler and if the Commanders in Chief of the army groups and the armies were present at the same time?

A We were heard one after the other. I did not know for example what the Commanders in Chief of the Army Group Center and South, Von Bock and Von Rundstedt, were going to report on.

H0972 - 0019

Q A final question concerning the Schlieffen organization about which you were asked. What kind of an organization was this Schlieffen organization? Was it a social organization or a political group, or with let us say an aggressive objective?

A The Schlieffen organization was purely a social organization.

Q Can you state in a few words the purpose of this organization?

A The purpose was to keep alive the memory of Schlieffen and his teachings.

Q No further questions.

COLONEL NEAVE: Thank you. This witness can go. We will recess for ten minutes.

(THE COMMISSION RECESSED AT 1120 HOURS.)

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The foregoing is a true and correct transcript of the testimony of RITTER VON LEEB, taken on the 22nd of June 1946.

Mabel A Lesser
Reporter (p 1-14

Alice Muhon
Reporter (p 15-18

CERTIFIED TO:

Commissioner

Commissioner

H0972-0020

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

22 June 1946

COMMISSIONER:

Colonel A.M.S. Neave

O.K.W.

(THE COMMISSION CONVENED AT 1000 HOURS.)

CROSS-EXAMINATION (Continued)

GENERAL FELDMARSCHALL RITTER VON LEEB, a witness, took the stand and testified as follows:

COMMISSIONER: Does the witness realize he is still under oath?

THE WITNESS: Yes.

BY DR. KEMPNER:

Q What position did you hold in May 1941?

A Commander-in-Chief of Army Group North.

Q In Russia?

A No, I was not as yet in Russia at that time.

Q But the Russian affair was begun at that time and later you left?

A Yes.

Q You prepared yourself for Russian matters?

A Yes.

Q Do you know this order of the 13th and 14th of May 1941? This is the so-called Fuehrer Order, signed by Keitel. (I shall give the document number later.) Do you remember that in this Decree, extremely sharp, severe measures were ordered?

A I do not know the contents of this order.

Q In this order it says, for example, and I quote paragraphs 3 and 4, that severe measures are to be taken against civilian population in order to suppress everything that might by any chance become dangerous.

A Is that the order in which mention is made that violations of our soldiers against the Russian population are not to be punished except in very severe cases?

Q That is correct.

A I spoke of this order yesterday.

H0972 - 0021

Q Don't you think that this was something quite unusual?

A Extraordinarily unusual.

Q And why do you say extraordinarily?

A Because it was entirely opposed to our principles concerning rules of warfare.

Q How were you able to bring this order into accord with your general conception of military conduct?

A Not at all.

Q Why did you not hand in your resignation at that time. Why did you wait until 1942?

A I expressed my utmost surprise concerning these orders of Hitler to the commander-in-chief at that time and I was given assurances that no such order would be issued. But then these orders really were issued. But at about the same time the order of the Commander-in-Chief of the Army was also issued, of which I spoke yesterday, and in my opinion, this later order cancelled the order that had been issued by Keitel. I should like to give an example, if I may, concerning the handling of jurisdiction in connection with this order. Although we were ordered that we were not allowed to take any steps against soldiers who committed offences against the civilian population, I know personally that careless injuries of persons, accidents of motor cars where members of the civilian population were injured, were proceeded against us by taking steps according to martial law. That was the attitude that we held.

COLONEL NEAVE: Have you the number of that document, Dr. Kempner?

DR. KEMPNER: No, I haven't. We have just sent for it.

COLONEL NEAVE: We will want to have thatin the record.

Q Now the following. I should like to discuss this matter quite frankly with you. You are a historian, aren't you, and would probably like to clarify all these matters here 100 percent?

A Yes.

Q I now have two possibilities upon me. I have a pile of similar orders here, one always worse than the one before. We could go through all of them -- Leningrad is to be erased from the surface -- and your Army Group knew by means of these orders that the Jews were being exterminated there.

H0972-0022

Would you like to make a statement concerning this whole group of orders, as to how these things came about and also mention at the same time the attitude of the higher leaders?

A They came about by reason of National Socialism and the attitude of the higher leaders was absolutely one of opposition.

COLONEL NEAVE: Hadn't he better answer questions?

Q Let's base our questions on the following. Do you know that a number of criminal orders were issued?

H0972 - 0023

A The two orders of which I spoke yesterday are known to me.

Q Do you know of any others?

A I have learned of them now, by means of the documents and files fo this court. For example, the so-called Commando Decree, I just learned of it now.

Q Did you know at that time that the aim was there, by means of various disguises, to exterminate the Jews?

A Not in the least.

Q When did you first learn that Jewish persecution was begun in Germany?

A I believe in 1938, maybe 1939 -- 1938.

Q Did you, yourself, have any Jewish acquaintances in Bavaria or Munich?

A No, I didn't.

Q Did you hear from your acquaintances that these people disappeared?

A I said yesterday that I lived in absolute seclusion in a suburb outside of Munich.

Q Then there are only two of these orders that you know in detail, that is, as far as their criminal character is concerned?

A Yes.

Q But according to our files many more such orders were issued to your Army Group. Did you yourself never read them?

A Which orders do you mean?

Q I shall refer to them later. Do you assume full responsibility for everything that happened within your Army Group while you were its commander?

A That is impossible for me to do so.

Q You assume responsibility only for that which you knew?

A Yes.

Q And you didn't know that extermination of civilian population, etc. took place?

A I did not know that there was any intention to do so. I learned, as was shown by yesterday's affidavit, that measures were taken against the Jews in Latvia and I forbade them.

H0972 - 0024

Q Did you really believe that this action had been carried out by the Lithuanians and not by the SS and similar elements -- that they were behind these actions?

A I have to say here, according to my best conscience and knowledge that I did not at that time know of the existence of the Einsatzgruppe A, the SD, and the other elements that were behind the front.

Q Did you never know that the army had been disseminated with all these people and that they were everywhere?

A It is perhaps possible that in the course of the weeks and months mention was made of this.

Q Who told you of this?

A It is impossible for me to remember. I did not say that I did know, I only mentioned the possibility.

Q Didn't you see all kinds of people, wearing all kinds of uniforms, not normal army uniforms?

A No. And I should like to add the following to my no. I read this report of Einsatzgruppe A that is present here in the files and the fuehrer of the Einsatzgruppe writes in this that he was remaining in Lithuania and Latvia while we advanced and that he did not like to be 700 kilometers behind the front with his group. My direction was only towards the front and I don't believe that I ever met such man. This Fuehrer writes that he later advanced a small part of his Einsatzgruppe and this small part of the Einsatzgruppe consisted of an Action Group of 500 men and another small part of perhaps 200. He distributed these 200 men to the 16th and 18th Armies and to the 4th Armored Group. Therefore it is evident that I did not meet such a man.

Q Did you know that members of your staff had breakfast with this gentleman and met him frequently?

A I learned this from the file.

Q You yourself never had any connection with all these people - the SS, the SD, and so on?

A I don't remember in any way.

Q But it is maintained that cooperation between your Army Group a with these people and within your Army Group went on without friction.

H0972 - 0025

A That is mentioned in the report of Einsatzgruppe A if I am not mistaken. As far as I can judge that refers to the combatti ng of partisan bandits.

Q Is that your only explanation?

A I believe it is sufficient.

Q We shall now turn to another point. I refer to Document C-124. You state that you bombarded only military objectives in Leningrad. Is that correct?

A Yes.

Q What was to be done with Leningrad? Do you know anything about this?

A I believe the impression was that when I approached Leningrad that we would not have to expect any special resistance on the part of the Russians. I was immediately before Leningrad and I advanced within a few kilometers of it when the order came that I wasnot to take Leningrad. I had this order confirmed. It was repeated. I do not know the true reasons.

H0972-0026

Q. Didn't you know, from the so-called Fuehrer Order, that Leningrad was to disappear from the face of the earth ?

A. At the end of November 1941 I received a letter from the Naval Operations Staff. In this letter it said that the Fuehrer intended to have Leningrad disappear from the earth. I put this letter on file. I was never given an order.

Q. Is that the same order from which I am now going to quote to you ? (Document C-124). This too was sent by the Navy. "The Fuehrer has ordered that St. Petersburg, Leningrad. is to be wiped off the face of the earth". Is that the same ?

(Document handed to witness.)

(Witness indicates he cannot read the document since it is an English translation).

Q. I will repeat the question -is this the same document that you remember It was issued by the Navy and says: "The Fuehrer has ordered that St. Petersburg, Leningrad, is to be wiped off the face of the earth."
Is that the same order that you remember ?

A. Was this received by Army Group North ?

Q. Yes.

A. I remember it as a letter by the Naval War Staff to Army Group North. The Naval War Staff wanted to have the Fuehrer clarify a point and Hitler's answer was that Leningrad was to be wiped off the face of the earth or some such statement.

Q. I just wanted to know whether they were identical.

A. In order to avoid any misunderstanding I should like to add that as far as I remember I never received the order to this letter.

Q. Did you swear your oath to the Fuehrer ?

A. Yes.

Q. Isn't every word of the Fuehrer an order for you ? I s he not your highest War Lord ?

A. There were limits.

Q. And where do these limits lie ?

A. If anything is against my own human conscience.

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Q. Would it be correct for me to say that a ghigher leader does not have to obey his superior if criminal matters are involved ?

A. Yes, he does not have to obey.

Q. You agree with me ?

A. Yes.

Q. Wasn't the reason for your final retirement these criminal activities

A. They probably played a role in this.

Q. Was not that the main reason ? Didn't these affairs add up all the time ? Be quite frank. Is that ture ?

(Witness nods his head.)

A. It was impossible for me to have any success with the Fuehrer concerning the opinions that I held and that is when I drew the conclusion to withdraw

Q. Did you speak about this with comrades and higher leaders, that is , concerning your attitude ?

A. I spoke with my chief.

Q. And who was your chief ?

A. General of the Infantry, Brennecke.

Q. And was Brennecke of your opinion that hi her officer could not have a hand in such criminal matters ?

A. As far as I remember, my chief was of my opinion.

Q. Did you believe that you would encounter difficulties if you retired ?

A. No.

Q. And for your own person did not fear any such difficulties ?

A. No. I had decided to retire in any case.

Q. You were one of the few men who had courage, even in the face of your "king" -your higher superior ?

A. My conscience forbade me to participate any longer.

Q. Was the gentleman you just mentioned the only one with whom you spoke about this conflict of conscience ?

A. I also spoke about this with the First Officer of the General Staff.

Q. And who was he ?

A. For the moment I have forgotten the name.

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Q. What other gentelemn held positions similar to yours and retired at that time ?

A. General von Bock and General von Rundstedt.

Q. But later Rundstedt once more re-entered, didn't he ?

A. Yes.

Q. Do you know anything about his conscience at that time ?

A. No.

Q. At any rate you were not able to bring your conscience in accord with what asked of you for Country and God, is that true ?

A. That is a very difficult question to answer. I failed not only towards Hitler but also my Fatherland.

COLONEL NEAVE: Dr. Kempner, where is this cross-examination leading ? The subject is getting a bit narrow, isn't it. with regard to th personal conscience of this witness ?

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DR. KEMPNER: The conscience of this witness is of extreme importance for the conscience of the General Staff.

COLONEL NEAVE: All right.

Q And in 1942 things had taken such a turn it was impossible to participate any longer, is that correct?

A No.

Q For you?

A I did not want to stay in longer but I can understand that other army leaders carried on for who was to give any resistance to Hitler. Perhaps my comrades can reproach me for having left and not continued to fight.

Q I am not interested in what your comrades say. My question to you is that as far as you were concerned, things had taken such a turn that they could no longer be united with your conscience, is that right?

A I was no longer successful as far as I was concerned.

Q Is what I have said correct?

A It was no longer possible for me to make him understand or see my opinions. Therefore I left.

Q Thank you, that is all.

COLONEL NEAVE: Does any other member of the Prosecution wish to cross-examine.

(no response). Dr. Laternser, you may proceed.

RE-DIRECT EXAMINATION

BY DR. LATERNSER:

Q I should like to begin where Dr. Kempner stopped. What was the immediate cause for your retirement?

A The front sough of the Ilmen See jutted out very deeply, like a sack, and the Russians continually brought reinforcements along their two railway lines and kept up a continual attack of the two deep flanks of this sack. It was only a question of being able to withstand a short time and then the whole sack was cut off, with about 10 divisions caught in it. I reported this situation to Hitler by telephone but he did not listen. I then flew to Hitler's headquarters and reported the matter orally and very urgently. I described the

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position to him and suggested that we evacuate the sack and draw our lines back to form a straight line south of the Ilmen See. If we did so we would have occasion to withstand the attacks of the Russians. This sack that jutted out very deeply had really no operational significance. If I had retreated I would thus have had forces at my disposal to reinforce the weak lines of the flank front and this front would then have been strong enough to withstand any attack. Moreover, I should also have won reserves by this method and at that time I no longer had any reserve divisions. I presented this case to Hitler personally and very urgently. The situation was quite obvious and I asked him to be allowed to retreat and to lay straight line position. Hitler refused. Thereupon I handed in my retirement application.

Q And this was your immediate reason for retiring, wasn't it?

A Yes.

Q You were asked just now concerning Hitler's order to wipe Leningrad off the face of the earth, or to destroy Leningrad, and you testified that you had received a letter from the Naval War Staff concerning this question. What was the nature of this letter. Did you receive this letter by way of informati

A It was to convey information. The Naval War Staff informed me that they had asked Hitler to clarify his position concerning the destruction of Leningrad. Evidently the Naval War Staff was interested in clarifying this point and the Naval War Staff then wrote me that Hitler had decided to wipe Leningrad off the face of the earth or destroy it, or some such expressionwas used.

Q Then you mean to say that sending this letter to you by the Naval War Staff did not mean any order given to you, according to which you were to take action?

A No, this letter was not an order. It was only information. This wa the first time I learned of any intentions of Hitler in this regard.

Q Did you yourself ever receive an order concerning the destruction of Leningrad by reason of which you yourself were to take steps with your Army Grou

A According to my best knowledge and conscience I did not receive such an order. Even if I had received such an order it would just have meant that Hitler was expressing a Utopian hope for at that time I had just enough

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munitions and artillery to carry out the most essential missions. I only was supplied with very little munitions. I can give a drastic example of this position of the supplies and reinforcement question. It took me three weeks to bring up one division by means of rail.

Q It has just been suggested to you that by reason of the oath that you pledged to Hitler, every word and every intention expressed by him should have h for you the effect of an order to be carried out. Is it not rather that in military practice all important orders must be issued in writing?

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A That is the custom.

Q I believe that this has clarified that point. Now to turn to the Einsatz Groups, you stated, by reason of the order that you saw just a few days ago, that the strength of the Einsatzgruppe was 500 men.

A The whole strength of this Einsatzgruppe has been proved to be 1000 men and of this the so-called Action Group had a strength of 500 men.

Q You just used the words "has been proved." Do you mean "proved" only in such a case that one assumes the correctness of the execution of this order.

A I mention the figures of 1000 and 500 by reason of this report.

Q Assuming that this Einsatzgruppe had been distributed in your Sector I am interested in the answer to the following question. How broad was the sector of this Army Group ?

A I should estimate about 600 kilometers. To illustrate this I may perhaps be allowed to add the following : The front strength of my army group amounted to about 600,000 men and the members of the Einsatzgruppe perhaps to 200 men.

Q It was further suggested to you that members of these Einsatzgruppe must have been noticed by you because they wore different uniforms. Did you have time to concern yourself with such details, with such trifles ? In order to understand this question I would like you to depict briefly the average day of the commander of an Army Group.

A An Army Group can be commanded by two different methods : either directed from the conference table by mean of all modern means of intelligence or communication, or by seeing things oneself - by self observation. I preferred the latter method. I went to the front frequently, at first with a passenger car. Then later in the Russian territory, when the territory became extensive and the roads bad and unsafe because of partisans, by means of a gyroplane, used as a small transportation airplane that was able to land anywhere, on any meadow, on any pasture; but this gyroplane did not afford any possibility of defence - we carried no arms.

COLONEL NEAVE : Dr. Laternser, can we cut this as short as possible ? Is this day in the life of an Army Group Commander really a matter rising out of cross-examination ?

DR. LATERNSER : Yes, this question relates to Dr. Kempner's question if other uniforms appeared at this front.

COLONEL NEAVE : Well, may we have the description as briefly as possible.

DR. LATERNSER : Yes, certainly. I ask you to be as brief as possible.

THE WITNESS : Then later I flew about in a bomber, accompanied by two pursuit planes and returned at night. Then the reports were given at night by the first officer of the General Staff, concerning the positions and by the third officer of the General Staff concerning the enemy position. According to these, I had to give my orders and instructions. It was the task of the chief to keep everything unnecessary away from me.

BY DR. LATERNSER :

Q Would it then be right to say that you only received purely military information needed for military decisions that you as Commander in Chief had to make ?

A Yes, that is correct. A good Chief of Staff has to keep everything unnecessary away from his Commander.

Q I believe that is sufficient concerning this point.

Dr. Kempner then further submitted the order of the 13th and 14th of May, 1941 to us, which states that German soldiers are not to be prosecuted against by a Court of Marshall law if violations on their part had taken place against the civilian population, unless the disciplince of the troop was

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severely endangered.

DR. KEMPNER: This was UK 64.

COLONEL NEAVE: Doctor Kempner that is the document to which you referred sometime ago?

DR. KEMPNER: Yes.

COLONEL NEAVE: We will have it incorporated in the record.

BY DR. LATHERNSER:

Q Would you like to look at the order once again?

A No.

Q Did this order have any influence on your attitude toward the civilian population under your contol?

A In no way.

Q Did you act according to this order?

A I acted according to the order of the Commander in Chief of the Army that treated the highest discipline and this I considered a matter of fact - of course.

Q At what time were you Commander in Chief and responsible for the western part of Germany?

A From October 1, 1933 to February 28, 1938.

Q When was building started on the west wall?

A As far back as I can remember in 1935 or 1936. I believe in 1935.

Q Were you informed of the beginning of construction work in your capacity as Commander in Chief west?

A No, I heard of the beginning of construction work in quite a peculiar fashion. I found a letter on my writing table that had some comments concerning this. I looked at the distribution and saw that it had come from the Defense Commission at Weisbaden.

DR. KEMPNER: I don't believe that I touched on this subject at all during cross examination.

OLONEL NEAVE: Dr. Laternser, during the cross examination this subject was not touched upon.

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DR. LATERNSER: The question suffices and it is not necessary for me to hear any more concerning these details.

COLONEL NEAVE: Doctor, please in the future question the witness only on matters arising out of the cross examination as we are short of time. Have you any further questions?

DR. LATERNSER: I am almost finished.

BY DR. LATERNSER:

Q You were then asked concerning the conference of June 14, 1941. That is the conference that took place between Hitler and the Commander in Chief before the Russian campaign. I did not quite understand what was meant. I am interested in knowing in what sequence the reports of the Commanders in Chief of the army groups were made to Hitler and if the Commanders in Chief of the army groups and the armies were present at the same time?

A We were heard one after the other. I did not know for example what the Commanders in Chief of the Army Group Center and South, Von Bock and Von Rundstedt, were going to report on.

Q A final question concerning the Schlieffen organization about which you were asked. What kind of an organization was this Schlieffen organization? Was it a social organization or a political group, with let us say an aggressive objective?

A The Schlieffen organization was purely a social organization.

Q Can you state in a few words the purpose of this organization?

A The purpose was to keep alive the memory of Schlieffen and his teachings.

Q No further questions.

COLONEL NEAVE: Thank you. This witness can go. We will recess for ten minutes.

(THE COMMISSION RECESSED AT 1120 HOURS.)

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The foregoing is a true and correct transcript of the testimony of RITTER VON LEEB, taken on the 22nd of June 1946.

Mabel A. Lesser
Reporter

Alice Meehan
Reporter

CERTIFIED TO:

A. M. Neave, Lt. Colonel
Commissioner